

commerce, various quantities of the tablets were repacked and sold without a prescription, which acts resulted in the repackaged tablets being misbranded.

Smith's, Inc., was charged with causing the acts of repacking and sale of the drugs involved in each of the six counts of the information; and, in addition, Harry J. Crow in two of the counts, John K. Robertson in two of the counts, and Benjamin F. Talbert in the remaining two counts of the information were charged with causing such acts to be done in connection with the drugs involved in those counts.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs bore no labels containing the name and place of business of the manufacturer, packer, or distributor, and no labels containing statements of the quantity of the contents; and Section 502 (f) (1), the repackaged drugs bore no labeling containing directions for use.

Further misbranding, Section 502 (d), the *phenobarbital tablets* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged tablets failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: April 5, 1951. Pleas of nolo contendere having been entered, the court imposed a fine of \$100 against the corporation and a fine of \$25 against each individual and placed the individuals on probation for 5 years.

3424. Misbranding of Combisul tablets, Dexedrine Sulfate tablets, and Desoxyn Hydrochloride tablets. U. S. v. Ralph G. Garner, Jr. (Garner Pharmacy), Forrest R. Gill, and Robert Hartman. Pleas of guilty. Fine of \$300 against Defendant Garner, \$150 against Defendant Gill, and \$75 against Defendant Hartman. (F. D. C. No. 30564. Sample Nos. 72145-K, 72813-K, 84434-K.)

INFORMATION FILED: Between March 15 and April 13, 1951, Southern District of Ohio, against Ralph G. Garner, Jr., trading as the Garner Pharmacy, Columbus, Ohio, and against Forrest R. Gill, an employee, and Robert Hartman, a pharmacist, for Mr. Garner.

INTERSTATE SHIPMENT: From the States of New Jersey, Pennsylvania, and Illinois, into the State of Ohio, of quantities of *Combisul tablets*, *Dexedrine Sulfate tablets*, and *Desoxyn hydrochloride tablets*.

ALLEGED VIOLATION: On or about June 27, 28, and 30, 1950, while the drugs were being held for sale at the Garner Pharmacy after shipment in interstate commerce, various quantities of the drugs were repacked and sold without a prescription, which acts resulted in the repackaged drugs being misbranded.

Ralph G. Garner, Jr., was charged with causing the acts of repacking and sale of the drugs involved in each of the three counts of the information; and, in addition, Forrest R. Gill in two of the counts and Robert Hartman in one of the counts of the information were charged with causing such acts to be done in connection with the drugs involved in those counts.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the repackaged drugs bore no directions for use.

Further misbranding, Section 502 (b) (2), the repackaged *Dexedrine Sulfate tablets* and *Combisul tablets* failed to bear labels containing a statement of the quantity of the contents; Section 502 (e) (2), the repackaged *Combisul tablets* were fabricated from two or more ingredients and failed to bear a

label containing the common or usual name of each active ingredient, namely, sulfadiazine and sulfathiazole; and, Section 502 (f) (2), the labeling of the repackaged *Desoxyn Hydrochloride tablets* bore no warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: May 4, 1951. Pleas of guilty having been entered, the court imposed a fine of \$300 against Defendant Garner, a fine of \$150 against Defendant Gill, and a fine of \$75 against Defendant Hartman.

3425. Misbranding of sulfadiazine tablets, Desoxyn Hydrochloride tablets, and thyroid tablets. U. S. v. The Sloan Drug Co., Theodore J. Schlonsky, and Harry Wolman. Pleas of guilty. Fine of \$300 against company, \$225 against Defendant Schlonsky, and \$150 against Defendant Wolman. (F. D. C. No. 30573. Sample Nos. 84423-K, 84424-K, 84427-K.)

INFORMATION FILED: Between April 20 and May 4, 1951, Southern District of Ohio, against The Sloan Drug Co., a corporation, Columbus, Ohio, and Theodore J. Schlonsky, secretary of the corporation, and Harry Wolman, pharmacist for the corporation.

INTERSTATE SHIPMENT: From the States of Indiana, Illinois, and New York, into the State of Ohio, of quantities of *sulfadiazine tablets*, *Desoxyn Hydrochloride tablets*, and *thyroid tablets*.

ALLEGED VIOLATION: On or about June 13, 15, and 20, 1950, while the drugs were being held for sale at The Sloan Drug Co. after shipment in interstate commerce, various quantities of the drugs were repacked and sold without a prescription, which acts resulted in the repackaged drugs being misbranded.

The Sloan Drug Co. and Theodore J. Schlonsky were charged with causing the acts of repacking and sale of the drugs involved in each of the three counts of the information; and, in addition, Harry Wolman was charged in two of the counts with causing such acts to be done in connection with the drugs involved in those counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged *sulfadiazine tablets* and *Desoxyn Hydrochloride tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing a statement of the quantity of the contents; Section 502 (e) (1), the repackaged *sulfadiazine tablets* and *Desoxyn Hydrochloride tablets* failed to bear labels containing the common or usual names of the drugs; Section 502 (f) (1), the repackaged *Desoxyn Hydrochloride tablets* and *thyroid tablets* failed to bear labeling containing directions for use; and, Section 502 (f) (2), the repackaged *sulfadiazine tablets* and *Desoxyn Hydrochloride tablets* failed to bear labeling containing warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: May 4, 1951. Pleas of guilty having been entered, the court imposed a fine of \$300 against the corporation, a fine of \$225 against Defendant Schlonsky, and a fine of \$150 against Defendant Wolman.

3426. Misbranding of sulfathiazole tablets and Combisul tablets. U. S. v. The Poulston Drug Co. and Harry D. Poulston. Pleas of nolo contendere. Fine of \$100 against each defendant, plus costs. (F. D. C. No. 30043. Sample Nos. 52968-K, 72840-K, 84162-K, 84938-K, 84961-K.)